

RULE

Department of Economic Development Licensing Board for Contractors

Residential Construction (LAC 46:XXIX.1501-1509)

The Department of Economic Development, Licensing Board for Contractors has adopted the following rules.

TITLE 46 PROFESSIONAL AND OCCUPATIONAL STANDARDS Part XXIX. Contractors

Chapter 15. Residential

§1501. Definitions

A. All individuals bidding or performing the work of a general contractor on a residential project the cost of which equals \$50,000 or more must be licensed under the classification "residential construction." It shall not include individuals who build no more than one residence for their own use per year.

B. A subcontractor, architect or engineer who acts as a residential building contractor as defined in R.S. 37:2150.1(9) must possess a residential construction license.

C. "Cost of a project" includes the value of all labor, materials, subcontractors, general overhead and supervision.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2150-2173.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 22: (February 1996).

§1503. Requirements

A. All residential building contractors shall work in the name which appears on the official records of the State Licensing Board for Contractors for the current license.

B. If a licensed general residential contractor assigns a contract, or any portion of a contract, in the amount of \$50,000 or more to another general residential contractor, the person or firm to which it is assigned, and/or who performs the work must possess the proper current license. No unlicensed contractor shall be permitted to assign a contract, or any portion of a contract, in the amount of \$50,000 or more to a licensed contractor in circumvention of the laws of the State of Louisiana.

C. All applications for a residential contractors license shall contain the information required on the forms which are available at the offices of the State Licensing Board for Contractors, 7434 Perkins Road, Baton Rouge, Louisiana 70808. Application shall be time dated when received and shall be reviewed by the Residential Contractors Licensing Board Subcommittee prior to being submitted to the Contractors Licensing Board at the next regularly scheduled meeting of the board, provided the application is completed with all of the information requested thereon, along with a financial statement, fees, certificate of workers compensation insurance, certificate of general liability insurance in the minimum amount of \$100,000, properly notarized and provided all examination requirements have been met.

D. Workers compensation and general liability insurance, obtained from an insurer authorized to sell those forms of insurance coverage in the state, shall be maintained continuously by residential building contractors. Insurance certificates evidencing current workers compensation and general liability insurance shall be submitted with each new application, every renewal application, and upon the renewal date of coverage. In the event of a lapse of insurance coverage, a cease and desist order shall be issued and such lapse shall be grounds for suspension or revocation of the license after proper hearing.

E. The qualifying party for each applicant must pass any examinations required and administered by the State Licensing Board for Contractors.

F. The qualifying party shall be an individual owner, an original incorporator, partner, member or shareholder, or an employee of the applicant who has been in full-time employment for 120 consecutive days immediately preceding the application. Any licensed residential building contractor may have more than one qualifying party.

G. All licensed residential builders shall take and pass all examinations required to change or add a nonresidential classification or subclassification.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2150-2173.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 22: (February 1996).

§1505. Exceptions

A. An applicant for a residential building contractor's license who can show written proof that he possessed a contractors license for building construction as required by R.S. 37:2150-2164 prior to February 1, 1996 shall not be required to take the examinations required by the State Licensing Board for Contractors,

but shall meet all other requirements for such license.

B. An applicant who can show written proof that he holds a residential construction license issued by a local municipality issued prior to February 1, 1996 that administered a test written by a national testing company, approved by the State Licensing Board for Contractors, shall be exempt from taking the examinations required by the board, but shall meet all other requirements for such license.

C. An applicant seeking an exemption from the examinations required by the State Licensing Board for Contractors for having been actively engaged in residential building construction prior to February 1, 1996 as stated in R.S. 37:2167(D)(3) and (4) shall, in addition to all other requirements for licensure:

1. submit copies of the required building permits to the State Licensing Board for Contractors with the application; and

2. submit requests for any exceptions or other special requests in writing to the State Licensing Board for Contractors Residential Subcommittee.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2150-2173.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 22: (February 1996).

§1507. Violations

A. The State Contractors Licensing Board Residential Subcommittee has the authority to conduct hearings on alleged violations by residential building contractors in accordance with the provisions of R.S. 37:2158.

B. The State Contractors Licensing Board Residential Subcommittee shall make recommendations to the Contractors Board regarding their findings and determinations as a result of the hearings on said alleged violations.

C. Residential building contractors whose alleged violations were heard by the subcommittee and a recommendation rendered may request to appear at the next regularly scheduled board meeting, or at any other board meeting where their alleged violations are brought before the board for final action, and shall be given an opportunity to address the board regarding the subcommittee's recommendation.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2150-2173.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 22: (February 1996).

§1509. Penalties

A. The subcommittee has the authority to issue, suspend, modify or revoke residential contractors licenses, subject to the final approval of the State Licensing Board for Contractors.

B. In accordance with the provisions of R.S. 37:2172, the subcommittee shall have the authority to issue a fine not to exceed \$500 for each violation, for the causes listed in R.S. 37:2158, subject to final approval by the State Contractors Licensing Board.

C. In addition to or in lieu of any of the penalties provided in this Chapter, the subcommittee is empowered to issue a cease and desist order. Further, the subcommittee may seek the other civil remedies provided in R.S. 37:2162 for violations of this Chapter, subject to the final approval of the State Licensing Board for Contractors.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:2150-2173.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, State Licensing Board for Contractors, LR 22: (February 1996).

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